

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ROSE COULTER-OWENS,
individually, and on behalf of all others
similarly situated,

Plaintiff,

v.

TIME INC., a Delaware Corporation,

Defendant.

Case No. 2:12-cv-14390-GCS-MKM

Hon. George C. Steeh

**UNOPPOSED MOTION FOR ORDER PERMITTING
PLAINTIFF TO FILE REPLY BRIEF IN SUPPORT OF HER MOTION
FOR CLASS CERTIFICATION AND EXHIBIT UNDER SEAL**

Pursuant to Local Rules 5.3(b) and 26.4, Plaintiff Rose Coulter-Owens (“Plaintiff”) hereby respectfully requests that the Court enter an Order permitting Plaintiff to file under seal her Reply brief in support of her Motion for Class Certification and its accompanying exhibit. Plaintiff certifies that, pursuant to Local Rule 7.1(a), there was a conference between attorneys for Plaintiff and attorneys for Defendant Time, Inc. (“Time”) on April 22, 2015 and Time’s attorneys indicated that they would not oppose the relief sought in this Motion.

WHEREFORE, Plaintiff Rose Coulter-Owens respectfully requests that this Court enter an Order (i) granting Plaintiff’s Motion to File her Reply brief in support of her Motion for Class Certification and Exhibit Under Seal, and (ii) providing such other and further relief as the Court deems reasonable and just.

Dated: April 22, 2015

Respectfully submitted,

ROSE COULTER-OWENS,
individually and on behalf of all
others similarly situated

By: /s/ Ari J. Scharg
One of her attorneys

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**BRIEF IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION FOR
ORDER PERMITTING PLAINTIFF TO FILE REPLY BRIEF IN
SUPPORT OF HER MOTION FOR CLASS CERTIFICATION AND
EXHIBIT UNDER SEAL**

STATEMENT OF ISSUES PRESENTED

Should Plaintiff Rose Coulter-Owens be permitted to file her Reply brief in support of her Motion for Class Certification and its accompanying exhibit under seal?

Plaintiff's Answer: Yes.

CONTROLLING AND MOST IMPORTANT AUTHORITY

E.D. Mich. L.R. 5.3

E.D. Mich. L.R. 26.4

Plaintiff Rose Coulter-Owens (“Plaintiff”) submits this brief in support of her unopposed motion to file her Reply brief in support of her Motion for Class Certification and its accompanying exhibit under seal. Plaintiff’s Reply brief in support of her Motion for Class Certification and its exhibit reference and contain documents that have been designated as “Confidential” by Defendant Time Inc. (“Time”) pursuant to the Protective Order previously entered in this case. (Dkt. 69.) Such documents contain information considered sensitive and/or proprietary by Time and/or Time’s third party vendors.

It is well settled that all courts have supervisory power over their own records and files, and may deny access “where court files might have become a vehicle for improper purposes.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *see also Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1179 (6th Cir. 1983) (noting that legitimate interests to limit public access include “certain privacy rights of participants or third parties [and] trade secrets”); *Turner v. Bresette*, No. 11–15036, 2012 WL 4511244, at *2 (E.D. Mich. Sept. 30, 2012) (“The Court may order that documents containing private or sensitive information be filed under seal.”) (citing E. D. Mich. L. R. 5.3). A party seeking to file a document under seal must demonstrate “compelling reasons” for doing so. *White v. GC Servs. Ltd. P’ship*, No. 08–11532, 2009 WL 174503, at *1 (E.D. Mich. Jan. 23, 2009) (citing *Meyer Goldberg, Inc. v. Fisher Foods, Inc.*, 823 F.2d

159, 163 (6th Cir. 1987)).

Here, compelling reasons exist to allow Plaintiff to file her Reply brief in support of her Motion for Class Certification and its accompanying exhibit under seal. Plaintiff's Reply brief in support of her Motion for Class Certification and its accompanying exhibit reference and contain information deemed sensitive and/or proprietary—and marked "Confidential" by Time—pursuant to the Protective Order entered in this case. Pursuant to Local Rule 5.3(b)(2)(A)(iv), a means other than sealing these documents is not available or is unsatisfactory to preserve Time's interests in protecting the private and sensitive information contained therein.

Documents Requested to be Filed Under Seal

1. An un-redacted version of Plaintiff's Reply brief in support of her Motion for Class Certification. This document contains detailed references to the exhibit listed below, which contains sensitive and/or proprietary information marked Confidential by Time pursuant to the Protective Order. Likewise, the Reply references both Plaintiff's Motion for Class Certification, and Time's Response in Opposition to that Motion—both of which also contain detailed references to exhibits and information that Time has designed as Confidential, and both of which have been sealed by order of this Court. (*See* Dkts. 87, 92.)

2. An un-redacted version of the Declaration of Ari J. Scharg ("Scharg

Declaration”) (filed contemporaneously with Plaintiff’s Reply brief in support of her Motion for Class Certification). The Declaration contains detailed references to the exhibit listed below, which contains sensitive and/or proprietary information marked Confidential by Time pursuant to the Protective Order.

3. Exhibit 1 to the Scharg Declaration (filed contemporaneously with Plaintiff’s Reply brief in support of her Motion for Class Certification). This document contains excerpt screenshots of a native file produced by Time in this matter and contains sensitive and/or proprietary information marked Confidential by Time pursuant to the Protective Order.

Wherefore, Plaintiff respectfully requests that this Court enter the Proposed Order submitted contemporaneously with the filing of this Motion.

Dated: April 22, 2015

Respectfully submitted,

ROSE COULTER-OWENS,
individually and on behalf of all
others similarly situated

By: /s/Ari J. Scharg
One of her attorneys

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*Counsel for Plaintiff Coulter-Owens
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CERTIFICATE OF SERVICE

I, Ari J. Scharg, an attorney, certify that on April 22, 2015, I served the above and foregoing ***Unopposed Motion for Order Permitting Plaintiff to File Her Reply Brief in Support of Her Motion for Class Certification and Exhibit Under Seal***, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

/s/ Ari J. Scharg